

1 THE HONORABLE RICHARD A. JONES
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 JEAN MARIE BARTON, BYRON LEE)
11 BARTON, INDIVIDUALLY AND ON) No. 2:17-cv-01100 RAJ
12 BEHALF OF ALL OTHERS SIMILARLY)
13 SITUATED,) ORDER
14 Plaintiffs,)
15 v.)
16 JPMORGAN CHASE BANK, N.A.,)
17 QUALITY LOAN SERVICE CORP. OF)
18 WASHINGTON AND TRIANGLE)
19 PROPERTY OF WASHINGTON,)
20 Defendants.)
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22 This matter comes before the Court on Defendant JPMorgan Chase, N.A.
23 (“Chase”)’s Motion to Dismiss. Dkt. # 12. Defendant Quality Loan Service Corp. of
24 Washington (“Quality Loan”) joins the motion. Dkt. # 13. The Court, having
25 considered the papers submitted in support of and in opposition to these motions, finds
26 that the motions should be **GRANTED**.

27 This is the fourth time Plaintiffs have attempted to bring this lawsuit. This
current lawsuit is not materially different or distinct from Plaintiffs’ third attempt at
litigating their claims. This suit involves the same parties and claims as the prior

1 lawsuit, claims that were actually litigated and resulted in a final judgment on the
2 merits. Moreover, any new claims in this lawsuit could have been raised in the prior
3 lawsuits. Both claim preclusion and issue preclusion apply here. *See Tahoe-Sierra*
4 *Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1077 (9th Cir.
5 2003) (“Res judicata is applicable whenever there is (1) an identity of claims, (2) a
6 final judgment on the merits, and (3) privity between parties.”) (citations omitted);
7 *Sprague v. Spokane Valley Fire Dep’t*, 189 Wash. 2d 858, 899, 409 P.3d 160, 183
8 (2018) (“The court considers four factors to determine whether collateral estoppel
9 applies: (1) identical issues; (2) a final judgment on the merits; (3) the party against
10 whom the plea is asserted must have been a party to or in privity with a party to the
11 prior adjudication; and (4) application of the doctrine must not work an injustice on the
12 party against whom the doctrine is to be applied.”) (internal quotations and citations
13 omitted).¹ Accordingly, the Court **GRANTS** Defendants’ motions and dismisses
14 Plaintiffs’ claims as they were, or could have been, brought in prior actions. Dkt. ##
15 12, 13.

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17 DATED this 11th day of May, 2018.

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26 The Honorable Richard A. Jones
27 United States District Judge

¹ The prior lawsuit remained in state court and therefore the Court applies Washington’s law of collateral estoppel. *In re Bugna*, 33 F.3d 1054, 1057 (9th Cir. 1994) (“In determining the collateral estoppel effect of a state court judgment, federal courts must, as a matter of full faith and credit, apply that state’s law of collateral estoppel.”).